

**IN THE UNITED STATES DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

<p>THOMAS F. FRIEDBERG &amp; SARAH L. BUNGE,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>DAYBREAK, INC. dba HUBER &amp; ASSOCIATES,</p> <p style="text-align: center;">Defendant.</p>	<p><b>CIVIL ACTION NO. 3:19-cv-0053</b></p>
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**DEFENDANT’S EMERGENY MOTION TO COMPEL THE DEPOSITION OF  
CHRIS BUNGE OR IN THE ALTERNATIVE EXTEND THE FACTUAL  
DISCOVERY DEADLINE**

COMES NOW the Defendant, DAYBREAK, INC., dba HUBER & ASSOCIATES, by and through its undersigned counsel, and hereby files this Emergency Motion to Compel the Deposition of Chris Bunge or in the Alternative Extend the Factual Discovery Deadline and states as follows:

1. Plaintiffs brought this action on July 14, 2019 alleging construction defects related to Defendant’s installation of a copper roof in 2010.
2. This case sat in abeyance for five years while a related case in the U.S. Virgin Islands Superior Court continued, a Motion to Dismiss was pending, and because the COVID-19 pandemic caused delays.

3. The parties have been working diligently to meet the deadlines pursuant to the scheduling order.

4. The parties agreed to take the deposition of Chris Bunge on April 24, 2025 in person in Minnesota where Mr. Bunge resides. Mr. Bunge is an important witness in this case because he was present during the installation of the metal roof and was present after Hurricane Irma to observe the hurricane damage. *See* Exhibit A.

5. After the parties made the agreement and defense counsel made arrangements to travel to Minnesota, Plaintiffs notified Defendant that they were no longer available for that deposition date because of “meetings.” *See* Exhibit B.

6. Plaintiffs claimed at the time that the only date they were available for the deposition was April 24, 2025. *See* Exhibit C.

7. The factual discovery deadline in this case is May 7, 2025.

8. Plaintiffs have indicated that they are not available for most of May as they will be traveling overseas on vacation during that time.

9. Defendant is seeking an order compelling Plaintiff to appear for the deposition of Christopher Bunge on April 24, 2025 as previously agreed or, in the alternative to extend the factual discovery deadline to July 1, 2025.

11. Defendant will be irreparably harmed if this deposition is not taken on April 24, 2025 or the factual discovery deadline is not extended to July 1, 2025 due to Plaintiff's schedule.

10. Because the deposition that is the subject of this motion is scheduled to occur on Thursday, April 24, 2025, Defendant is available to be heard via Zoom or Teams to address this motion.

WHEREFORE, the Defendant, DAYBREAK, INC., dba HUBER & ASSOCIATES, respectfully requests this Court enter an order compelling Plaintiffs appearance at the deposition of Chris Bunge scheduled for April 24, 2025 or in the alternative enter an order extending the factual discovery deadline to July 1, 2025.

**CERTIFICATION OF CONFERRAL**

I attest that I spoke with Thomas Friedberg on April 17, 2025 regarding this motion for twenty-five (25) minutes and he disagreed with this motion.

Date: April 18, 2025

s/ Jeffrey C. Cosby, Esq.  
Jeffrey C. Cosby, Esq.  
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**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that on April 18, 2025, we electronically filed the foregoing document via CM/ECF to the parties listed below:

s/ Jeffrey C. Cosby, Esq.  
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